IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

THURSDAY, THE 16TH AUGUST 2007 / 25TH SRAVANA 1929

CRL.A.No. 825 of 2002()

CC.424/2000 of JUDL.MAGISTRATE OF FIRST CLASS-I, HOSDRUG

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APPELLANT:

ABU SALIH, S/O. MOHAMMED KUNHI,
KADAVATH HOUSE, ARANGADI, P.O. KANHANGAD.

BY ADV. SRI.M.RAMESH CHANDER
SRI.V.TEKCHAND

RESPONDENTS:

C.GANDADHARAN, S/O. KUNHIRAMAN,
MULLACHERRY VEEDU, P.O. MANIKOTH

BY PUBLIC PROSECUTOR, SRI C.K.SURESH

THIS CRIMINAL APPEAL HAVING BEEN FINALLY HEARD ON 16/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.R.UDAYABHANU, J.

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Crl.A.No.825 of 2002(C)

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Dated this the 16th day of August, 2007

J U D G M E N T

The appellant is the complainant in C.C.No.424/2000 in the file of the Judicial Magistrate of the First Class, Hosdurg, with respect to the proceedings initiated under Section 138 of the Negotiable Instruments Act. The accused was acquitted under Section 256(1) of the Code of Criminal Procedure. It is submitted that the lapse was occasioned on account of the wrong noting of the posting date.

In the circumstances, the order of acquittal is set aside. The court below is directed to permit the appellant/complainant to further pursue the matter and dispose of the case on merits. The appellant shall appear before the court below on 17/09/2007. The court below shall issue fresh summons to the accused.

The appeal is allowed.

K.R.UDAYABHANU,
Judge

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K.R.UDAYABHANU, J.

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Crl.A.No.825 of 2002(C)

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J U D G M E N T

16th August, 2007